

AP 1764
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Atty. Docket No. JCI01 P-1010

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March 27, 2003

Date

Deborah A. Witvoet

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Examiner : Jerry D. Johnson
Art Unit : 1764
Applicants : Tony M. Pokorzynski et al.
Appln. No. : 09/074,288
Filed : May 7, 1998
Confirmation No. : 1982
For : FIBER-REINFORCED VEHICLE INTERIOR TRIM AND
METHOD OF MANUFACTURE

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Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

REPLY BRIEF

This Reply Brief is intended primarily to address new issues and/or new points of argument raised by the Examiner. Thus, this Reply Brief is a supplement to Appellants' Brief on Appeal, which is fully incorporated herein without modification.

In reply to Appellants' Brief on Appeal, the Examiner has argued that "Appellants' claims do not require that the pores of the glass fiber substrate remain 'open,'" because claim 2 requires that the moldable foam material penetrates pores of the porous substrate and bonds to the porous substrate. The Examiner appears to be arguing that because foam material enters into the pores of the porous substrate, the porous substrate is no longer porous. The fact that the foam material partially penetrates the pore structure to bond to the substrate does not mean that the substrate is fully impregnated or encompassed by the foam. Neither claim 2 nor any

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other portion of the specification teaches that the claimed invention does not have a porous substrate. To the contrary, there is not any question as to whether the claims require "a porous substrate." They simply do.

Immediately after quoting portions of Appellants' specification, the Examiner stated as follows:

Accordingly, the trim piece of Rohrlach et al., like Appellants' trim piece, comprises a porous substrate wherein said substrate is held to the backside of the trim member that is opposite of the upholstery skin material.

Appellants' specification does not provide any basis for concluding that the Rohrlach et al. patent teaches a trim piece having a porous substrate. For the reasons set forth in Appellants' Brief, and from the Rohrlach et al. patent itself, it is evident that the Rohrlach et al. patent does not teach or suggest a trim piece having "a porous substrate." Instead, the originally porous (fibrous) material is completely encompassed by (i.e., fully impregnated with) resin, such that the substrate of Rohrlach et al. is not porous, i.e., the fibrous material becomes reinforcement within a non-porous substrate.

All, or at least substantially all, of the Examiner's new points of argument embrace the concept that Appellants' required "porous substrate" is indistinguishable from the fully impregnated reinforcing fibrous materials used in the prior art references because Applicants teach that the required "molded foam material extending between said upholstery skin material and said substrate" may at least partially penetrate the pores of the porous substrate to bond the foam material to the porous substrate. This argument ignores and perverts the language of the claims, the teachings of Appellants' specification, and the drawings, which clearly show that the substrate and foam material are separate and distinct layers, with only a minor or superficial amount of penetration of the foam material into the pores of the porous substrate. It is respectfully submitted that when the claims are properly interpreted, the claims clearly distinguish over the prior art references, which do not teach or suggest a porous substrate held to the backside of the trim member. Stated differently, the applied prior art references do not teach or suggest a substrate having pores and which is held to the backside of a trim member. Instead, the fibrous material employed by the prior art references (which is only porous prior

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to being incorporated within the disclosed trim members) are completely encompassed and are fully impregnated by a resin, and therefore do not have pores, and are not on the backside of the trim member.

For the reasons set forth above, it is respectfully submitted that reversal of the rejection is proper.

Respectfully submitted,
TONY M. POKORZYNSKI ET AL.
By: Price, Heneveld, Cooper,
DeWitt & Litton

Dated: March 27, 2003

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JCI01 P-1010

Gunther J. Evanina
Gunther J. Evanina
Registration No. 35 502
695 Kenmoor, S.E.
Post Office Box 2567
Grand Rapids, MI 49501
(616) 949-9610